

## SUMMARY

### OEHHA Proposition 65 Workshop – Warnings for Food Exposures

March 14, 2008

The following is a summary of the comments and suggestions made at the March 14 workshop. An audio recording of the workshop is available at:

<http://www.oehha.ca.gov/prop65/law/regproc021508.html>

- A stakeholder task force should be created to work with OEHHA on drafting proposed language for this regulation.
- FDA and DPH should be included in the process of crafting warnings for exposures to listed chemicals in foods.
- Internet sales should be taken into consideration when drafting warning regulations
- It is regrettable that so many warnings are negotiated in settlements that are not readily available to the public.
- Posting warnings on websites does not reach all consumers.
- The language in Title 22, section 12601(a) sounds mandatory, OEHHA should re-evaluate it.
- Retailers should not have to chase signs around the stores, it is cumbersome.
- There should be a databank with all settlement proceedings, and these settlements should be reviewed by both Attorney General and OEHHA.
- People should be directed to a clearinghouse website at OEHHA that would list the chemicals in food products, with further links to FDA and other Web sites.
- Prop 65 warnings should be available to consumers by scanning barcodes (But include in regulatory language that providing information by this method would only apply to retailers of a determined size.)
- Prop 65 warnings must be given in the store; only having a sign that points to a website that the consumer has to look up at home is not acceptable.
- Informative website concerning chemical exposures from foods should be maintained by OEHHA, with information being supplied by manufacturers.
- Work on incorporating kiosks, website, media advertising, interpretive guidelines as a “menu of options” retailers and manufacturers can use to get the required warning and additional information to the public.
- Manufacturers have the primary responsibility to warn, but retailers are not off the legal hook. People must have warning information prior to purchase of the food product.
- Statute says information must be given prior to exposure, regulation says prior to purchase, these are different messages and should be clarified by OEHHA.
- Flags on products can be misleading when some manufacturers that intentionally add the chemical to a product will have to flag their products, but manufacturers of products with naturally occurring chemicals may not.
- Regulation should incorporate future technology that could be used for providing warning information, such as RFID or screens on shopping carts.